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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

|                        |                  |
|------------------------|------------------|
| Application Number     | 10762,646        |
| Filing Date            | January 20, 2004 |
| First Named Inventor   | Brian J. Lowe    |
| Art Unit               | 3731             |
| Examiner Name          | Sam, Charles H.  |
| Attorney Docket Number | 1001.1653101     |

**ENCLOSURES (Check all that apply)**

|   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> IDS or Form 1449<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>Postcard Receipt<br>Certification for IDS/Form 1449<br>3 foreign references |
| <b>Remarks</b>  |  |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |                             |          |        |
|--------------|-----------------------------|----------|--------|
| Firm Name    | CROMPTON SEAGER & TUFTE LLC |          |        |
| Signature    |                             |          |        |
| Printed name | Glenn M. Seager             |          |        |
| Date         | 5-17-05                     | Reg. No. | 36,926 |

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I hereby certify that this correspondence is being deposited with the United States Postal Service, "Express Mail Post Office to Address" having an Express Mail mailing label No. EL984937306US addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on the date shown below:

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| Signature             |               |      |         |
| Typed or printed name | JoAnn Lindman | Date | 5-17-05 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

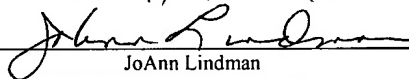
Application No.: 10/762,646 Confirmation No.: 5311  
Applicant : Brian J. Lowe et al. Customer No. : 28075  
Filed : January 20, 2004 Docket No. : 1001.1653101  
TC/A.U. : 3731 Examiner : Sam, Charles H.  
Title: SHEATH FOR USE WITH AN EMBOLIC PROTECTION FILTERING  
DEVICE

**CERTIFICATION FOR INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.97(e)**

Mail Stop AMENDMENT  
Commissioner for Patents  
PO Box 1450  
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CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of : EL984937306US , in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17 day of May, 2005.

By

  
JoAnn Lindman

Dear Sir:

This certification is being made for the Information Disclosure Statement/Form 1449 accompanying this certification.

I, the person(s) signing below certify:

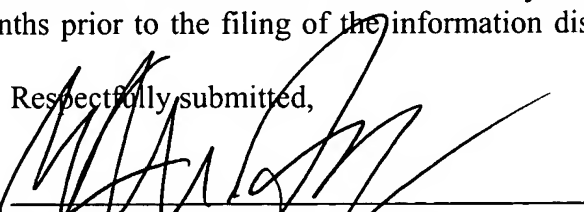
That each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement. 37 CFR §1.97(e)(1).-----or

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

Dated:

May 17, 2005

Respectfully submitted,

  
Glenn M. Seager, Reg. No. 36,926  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, MN 55403-2402

FORM 1449\*

Docket Number:

Application Number:

1001.1653101

10/762,646

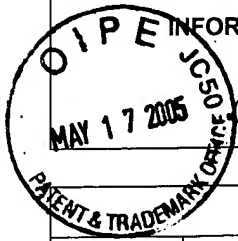
Applicant: Brian J. Lowe

Filing Date: January 20, 2004

Group Art Unit: 3731

INFORMATION DISCLOSURE STATEMENT  
IN AN APPLICATION

(Use several sheets if necessary)



## U.S. Patent Documents

| Examiner Initial | DOCUMENT NO.   | DATE     | NAME         | CLASS | SUBCLASS |
|------------------|----------------|----------|--------------|-------|----------|
|                  | 2004/181237 A1 | 09/16/04 | Forde et al. |       |          |
|                  | 2002/183781 A1 | 12/05/02 | Casey et al. |       |          |
|                  |                |          |              |       |          |
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## FOREIGN PATENT DOCUMENTS

|  |                  |          |     |  |
|--|------------------|----------|-----|--|
|  | EP 1 149 566 A   | 10/31/01 | EPO |  |
|  | EP 0 947 168 A   | 10/06/99 | EPO |  |
|  | WO 2004/030577 A | 04/15/04 | PCT |  |
|  |                  |          |     |  |
|  |                  |          |     |  |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.